

BEAVERCREEK CITY COUNCIL
REGULAR MEETING April 11, 2016 6:00 p.m.

PROCLAMATIONS

◆ National Public Safety Telecommunicators' Week

CALL TO ORDER

Mayor Stone called the meeting to order followed by roll call.

PRESENT: Council Member Litteral, Council Member Upton, Council Member Wallace, Council Member Whilding, Vice Mayor Vann, Mayor Stone

ABSENT: Council Member Jarvis

Council Member Litteral MOVED to excuse Council Member Jarvis, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

ALSO IN ATTENDANCE: Jill Bissinger, Human Resources; Michael Cornell, City Manager; Dennis Evers, Chief of Police; Bill Kucera, Financial Administrative Services Director; Dianne Lampton, Clerk of Council; Steve McHugh, Legal Counsel; Jeff Moorman, City Engineer; Sandra Pereira, Associate Planner

PLEDGE

Council Member Whilding led the pledge and a moment of silence.

APPROVAL OF AGENDA

Council Member Litteral MOVED to approve the agenda, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

APPROVAL OF MINUTES

Council Member Upton MOVED to approve the minutes of the March 21, 2016 Work Session, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

Council Member Litteral MOVED to approve the minutes of the March 28, 2016 Work Session, seconded by Council Member Whilding. Motion PASSED by majority voice vote. (Vann abstained)

Council Member Wallace MOVED to approve the minutes of the March 28, 2016 Regular Meeting, seconded by Council Member Upton. Motion PASSED by majority voice vote. (Vann abstained)

PUBLIC HEARING – Z-16-2, Corle Rezoning

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Clerk Lampton read an application filed by Clyde and Patricia Corle, 3439 Riva Court, Beavercreek, OH 45430. The application requests the rezoning of 0.47 acres of land from R-1A One Family Residential District to RO-1 Residential Office District. The property is located at 4230 Dayton-Xenia Road further described as Book 2, Page 4, Parcel 36 on the Greene County Property Tax Atlas.

Applicant Presentation

Tiffany Lobertini, 5236 Hahn Ave, Fairborn, Ohio

Ms. Lobertini spoke for her parents who own the property at 4230 Dayton-Xenia Road along with Home Experts Realty. She said they were seeking rezoning as a residential business to allow this location to be their Beavercreek location. She explained this office would not have the same traffic as a normal real estate office. She said they currently have eleven locations however very rarely are there agents in the locations since their agents work from their homes with the provided technology tools to work as mobile agents. She said the agents usually meet the sellers at their homes when listing a property and meet buyers at the properties they are viewing. She said closings occur at their title company located on Kemp Road. She their main office is located in Centerville where they process all of the closings out of which they would continue to do if this rezoning is approved. The office hours for this location would be mostly week days during normal business hours with rare use of the building on nights and weekends. She said there will be very little traffic at this location because there will only be three employees. With only three employees the traffic and noise at their office will not be much different than the traffic to a house with two or three cars and occasional visitors. She said it would problem be less than a typical house with family gatherings. She said all of the employees at this location would be family members. Since purchasing the property they have already spent over \$50,000 to improve the interior and exterior of the building from its previous condition. On the interior, work has included flooring, painting, servicing the HVAC and several other cosmetic improvements. The exterior work includes repairing the spouting, removing a rundown back patio, cleaning up the yard, installing a new retaining wall, painting the trim on the house, garage and garage doors, installing shutters, new landscaping and will continue with the landscaping and yard cleaning along with repaving the existing drive. She said since they are a real estate company the impression they make on the communities they are located in are important because of the type of business they are in. She felt their request was in compliance with the Land Use Plan as well as the city and county codes. Her parents are residents of Beavercreek and were looking forward to not only bringing their company to the community but also investing in the community.

Staff Presentation

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Mr. McGrath summarized the staff report dated April 6, 2016 which stated the applicant is requesting to rezone the property at 4230 Dayton-Xenia road from R-1A One Family Residential to RO-1 Residential Office in order to operate a real estate agency from the property. He explained the rezoning is within the goals of the Land Use Plan and the Dayton-Xenia Corridor Study. He reviewed the restrictions of the Residential Office use and was more appropriate for this location given the very specific uses that could go in the location while keeping in with the residential character of the property. He discussed the location of the property and the existing structures currently on the property. He reviewed the updates occurring along with the landscape plan. He said this was a straight rezoning with no conditions as all conditions and regulations are outlined in the zoning code. Staff and Planning Commission recommended approval.

Public Input

Donna Sayles, 4221 Maplevue Drive, Beavercreek, Ohio

Mrs. Sayles said she has sent letters to Council describing why they do not want the rezoning to be approved. She realized that many requests come before Council but this was a little house in an older neighborhood that happens to be on Dayton-Xenia Road. She said after attending the February Planning Commission meeting she left with a feeling that the main concern of the Planning Commission was that you wanted this property to look more presentable to the public coming into the city from the west. She said they may not have the number of people physically here like you did for the TCN rezoning request but they did submit a petition signed by twenty-three neighbors objecting to the rezoning. She said as a result of going through the rezoning process she has learned that Beavercreek is running out of available space for new housing and business development so the city has approved ways through the Land Use Plan for small businesses to use residential areas to help with the problem. She felt the city is more concerned with improving the tax base and not the economic affect that it might have on the family occupied homes. She quoted the Land Use Plan "potential economic return to the property owner for the various types of use is not a consideration in the Land Use Plan." She said you could interpret that a couple of different ways. She said as a homeowner you are not concerned with how much an owner receives for his property but also she felt the city is not concerned with what happens to the value of the residential properties around the rezoning. She said they what you to value their neighborhood not just for the tax base but for the people who have lived here and have taken pride in their home and community. She asked when is enough development enough.

Clerk Lampton stated for the record, there were three letters/emails submitted regarding the rezoning: Donna and Albert Sayles, 4221 Maplevue Drive, Beavercreek; Jennifer Wallace, 4222 Maplevue Drive, Beavercreek; and

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Michael and Amy Jones, 4254 Dayton-Xenia Road, Beavercreek. All three letters/emails stated they were against the rezoning.

There being no more public input, the public hearing was closed.

Council Input

Council Member Whilding said he appreciated the concerns of the residents in the area and the applicant's work they are doing to build a business in Beavercreek. He said this is good for everybody and an improvement.

Council Member Litteral expressed concern that Beavercreek has a lot of older neighborhoods and they are making exceptions when someone has already purchased the property and investing in it and then wants to change the zoning. She applauds small business in the community but would like to see the horse first and then the cart. She said they have seen a couple of cases like this lately and did not like it. She's concerned with consistency of how these properties look and the city did not have any control over what the owners do to revitalize some of these areas. She asked what the owners were doing with the rear of the property. Mr. McGrath said there is no changes to the exterior look of the residential building which is part of the requirements of an RO-1 district. He said any significant changes would have to go back to Planning Commission per the code for an ASRA approval which is a site plan approval for anything other than utilizing the existing structure. He said there were no proposed changes for the rear of the property and no requirements per the zoning code for any screening because it needs to have a residential characteristic. Council Member Litteral asked if there would be three parking spots for the three people that will be working there. Mr. McGrath reviewed the parking including handicapped parking.

Council Member Upton questioned the zoning surrounding the property in question. Mr. McGrath reviewed the zoning map.

Council Member Wallace said she was on the Dayton-Xenia Corridor Study Task Force and they had walked the neighborhood. She said many times the only way to get some of the properties up to code is when they are sold. She said with Dayton-Xenia Road expanding and getting wider the probability of single family homes in that area is going to be non-existent in the future because the road will be busier and will be more like 725 and Indian Ripple Road. She said prior to the purchase this property was in really bad shape. She felt strongly with the planning department being on top of this and making sure the improvements were within the code. She understood the concerns of the neighbors but with a real estate office or those kind of zoned office space you do not have a lot of

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people coming in and out of the building. She was happy to see this property being retrofitted and being up to code to make the City of Beavercreek look nicer.

Vice Mayor Vann asked if there was any thought put into the aesthetic consistency of parking in the front versus the rear if there happens to be a row of residential businesses. Mr. McGrath explained this was the reason for the landscape plan because of the current driveway location. He explained due to the old township setback regulations, the houses are located towards the rear of the property. From a transitional standpoint it makes more sense to keep the parking in the front as opposed to having the headlights in the back of the property and shining in other people's backyard. She said this is the only negative about this. She asked about the rules for signage. Mr. McGrath said the signs for RO-1 is fifteen square feet or 5x3 per sign face and no taller than four feet and shall not be illuminated. The Planning Department has final approval of the sign. Vice Mayor Vann asked the owner about the landscape for the rear of the property. Ms. Lobertini said they had started the clean of the yard including the removal of a dilapidated split rail fence, removing overgrown brush and tree trimming. Vice Mayor Vann asked if there were plans to replace the fence. Ms. Lobertini replied no. Vice Mayor Vann said her experience with single family dwellings located on arterial roads is it is hard to have quality occupants for residential use because either they are renters or people that are not taking a lot of care. She said for the neighbors even though you are concerned about this, she thought this would be an improvement to the neighborhood and potentially be an advantage to the property value of your residential properties because it will be maintained and thrive compared to if it was left to deteriorate.

Mayor Stone asked when the Dayton-Xenia Corridor Study completed. Mr. McGrath said it was adopted in 2014. Mayor Stone said there was a lot of thought and hard work put into the Dayton-Xenia Corridor Study and this area was designated for this type of use. He said it is an appropriate use per the Land Use Plan.

Council Member Whilding questioned the five parking spaces since there are only three in the front. Mr. McGrath said there is stacking by the garage but only three parking spots would be striped in the front.

Ordinance 16-07

Council Member Wallace MOVED to approve Ordinance 16-07 and move to the second and third readings, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote. (Opposed – Litteral)

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PUBLIC HEARING – PUD 541 MOD 2/16, Flying Ace Express Car Wash/Starbucks

Clerk Lampton read an application filed by Flying Ace Express Car Wash LLC, 7175 Far Hills Avenue, Dayton, OH 45459. The applicant requests approval of a major modification of the existing site plan to allow for the construction of a Flying Ace Express Car Wash facility and a 1,970 square foot Starbucks on 1.321 acres located at the northeast corner of County Line Road and Indian Ripple Road. The property is further described a Book 3, Page 7, Parcel 1 on the Greene County Property Tax Atlas

Applicant Presentation

John Roush, 101 Boulder Ct, Grandville, Ohio

Mr. Roush explained this is an express car wash that is environmentally green. He said they are staffed while open. He said their landscaping has a Disney perfect moto and want people to feel good while on their property. He said they will have ten vacuums for use after the car wash. He said the Starbucks will be the normal Starbucks model with a drive thru. He reviewed the flow of the property.

Staff Presentation

Mr. McGrath summarized the staff report dated April 6, 2016 which states the applicant is requesting approval of a major modification to the existing site plan to allow for the construction of a new 4,300 square foot Flying Ace Express Carwash and a 1,970 square foot Starbucks on 1.321 acres. He discussed the location of the property and the site plan which would have a single access point with no direct access off of Indian Ripple Road or County Line Road. He reviewed the flow of the traffic and the wider parking spaces to allow for vacuuming along with three handicapped parking spaces which is above the minimum ADA requirement of two. He reviewed the proposed building design of both buildings, the landscaping, lighting and signage along with several conditions listed including an additional condition regarding the planning department have final approval of the design of the retaining wall prior to the issuance of a permit for the development. He said there are nineteen conditions plus the recommended twentieth in the motion of Council's consideration and staff and Planning Commission recommends approval of this application.

Public Input

Nate Falu, 3534 Dayton-Xenia Road, Beavercreek, Ohio

Mr. Falu expressed concern regarding pedestrians crossing the intersection to get to Starbucks.

There being no more public input, the public hearing was closed.

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Council Input

Council Member Wallace said she was very excited for this business in this location. She was happy for the increased handicapped parking spaces.

Council Member Litteral asked how many employees they would have. Mr. Roush replied typically two during normal hours. Council Member Litteral asked for the hours of operation would be. Mr. Roush replied eight to eight Monday through Saturday and ten to six on Sunday. He said they may open this location earlier because of the Starbucks traffic in the mornings. Council Member Litteral questioned the payment methods for customers of the car wash and their safety. Mr. Roush explained machine usage plus the sixteen cameras they will have on site. He explained the costs of the car wash along with the monthly plans.

Council Member Whilding questioned the locations of the sidepaths. Mr. McGrath explained this is a three way crossing intersection. He said there is no crossing across Indian Ripple Road on the east side because of land restrictions. Council Member Whilding questioned why there wasn't a right turn out coming out of the Starbucks drive-thru. Mr. McGrath said they could look into it but it could be the topography and they could look into it if Council wished.

Mayor Stone questioned the traffic flow from the vacuum area. Mr. McGrath explained it was two way traffic in the middle by the vacuums. Mayor Stone requested Mr. McGrath to review the twentieth condition he wished to have added. Mr. McGrath said the final design of the retaining wall shall be approved by Planning staff prior to issuance of the zoning permit.

Vice Mayor Vann wished the Starbucks people were here. She asked how far the Starbucks drive-thru would stack. Mr. McGrath said the stacking allowance for higher than required. He said during peak times it may be busy but it should be okay. Vice Mayor Vann said if she were Starbucks she would think about putting in two windows for pick-up. She was concerned for people backing out of the vacuums. Mr. Roush said the peak times between the two entities are different. He said they have this set up in Columbus as well.

Motion

Council Member Litteral MOVED, for the purpose of taking administrative action, approval of a PUD Major Modification for Flying Ace Express Car Wash/Starbucks, PUD 541, MOD 2/16, on the basis that City Council finds the facts submitted with the application and accompanying materials, and modifications, amendments and supplementary conditions satisfy the standards and criteria for a PUD Major Modification approval as per §158.070 of the Zoning

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Code. Supplementary conditions required of this approval shall be as follows. I further move that this motion with all conditions be fully recorded in the minutes of this Council meeting with the addition of the twentieth condition.

1. The approved site plan shall be the plans dated "Received February 24, 2016", the architectural elevations for Starbuck's shall be the plans dated "Received February 8, 2016", and the architectural elevations for Flying Ace Express Carwash shall be the plans dated "Received February 17, 2016", except as modified herein.
2. A PUD Agreement must be signed by the owner and a bond or letter of credit for the site landscaping must be submitted prior to issuance of a zoning permit for any portion of the project for the purpose, but not for the sole purpose, of insuring the installation of landscaping. Said bond or letter of credit must meet the requirements of the City's landscaping and screening regulations.
3. The final landscape plan shall be reviewed and approved by the Planning Department prior to the release of a zoning permit for the building. The final landscape plan shall include landscaping around the perimeter of the northern portion of the building, subject to review by the Planning Department.
4. Perpetual maintenance of landscaping shall be provided and any dead or diseased materials shall be removed and replaced with similar types, species and sizes as originally installed, within three months weather permitting.
5. Material and color samples shall be submitted to the Planning Department for review and approved prior to the issuance of a zoning permit.
6. The façade shall not be painted or altered without the expressed approval of the Planning Department and/or Planning Commission

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7. Any portion of the site disturbed by grading or by the removal of former structures and/or pervious surfaces and on which no construction occurs within three months after completion of the site grading, shall be planted with appropriate ground cover and properly maintained. Such areas shall be shown as part of the final landscape plan.
8. Debris and trash shall be routinely collected by the owner from the parking lot and grounds of all areas of the project including the storm drainage facilities. The City reserves the right to require more frequent collection as necessary.
9. All building mechanical equipment is to be screened from all directions with architectural features (roof forms or parapet walls) on each building. Metal screening will not be accepted. Pad mounted equipment must be screened with landscaping and/or masonry walls and shall not be visible to the public.
10. Gutters and downspouts shall not be visible on any elevation of the Starbuck's building. They shall be internally mounted.
11. Prior to the issuance of a zoning permit, final cut sheet details and photometric plans for lighting of the site shall be reviewed and approved by the Planning Department. No pole shall be located in the paved area of the parking field. All light fixtures and related illumination of the site must meet the conditions outlined in the Zoning Code. Lights in the parking lot shall be reduced to no greater than 25 percent illumination level within one hour of closing.
12. Final topography and grading plans shall be submitted for review and approval by the City Engineer prior to the issuance of a site-grading or zoning permit.
13. Final drainage calculations shall be approved by the City Engineer prior to the release of the zoning permit.

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14. All man-doors, service doors and loading dock doors shall be painted to match the color of the building as to blend in with the proposed façade.
15. Any split-face block, EIFS, or concrete masonry unit block will be of integral color and not a material that is painted on the outside only
16. There shall be a maximum of one ground sign for this project. The ground sign, which shall include a minimum 1-foot tall, brick and/or stone base and wrap, shall be a maximum of 5 feet tall and have a maximum 32 square feet per sign face. The final design and location shall be subject to review and approval by the Planning Department prior to release of a permit for the sign. Any ground sign shall be set in a base that shall be constructed of the same brick as used to construct the principal structure.
17. All wall signs shall be individually mounted channel letters or panels. No raceways shall be permitted. The sizes of the signs shall be limited to the sizes shown on the respective approved architectural elevations. The final design and location shall be reviewed and approved by the Planning Department prior to the release of the sign permit.
18. All trash collection containers shall be screened from view and enclosed within a permanent dumpster enclosure or stored completely within the building. Any dumpster enclosure shall be constructed of the same materials as the primary building and have a closable, lockable gate. The final design of the dumpster enclosure shall be reviewed and approved by the Planning and Zoning Department prior to the issuance of any zoning permits.
19. The wall sign shown on the eastern elevation of Starbuck's shall not be permitted.
20. The final design of the retaining wall shall be approved by

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planning staff prior to issuance of the zoning permit.

Seconded by Council Member Wallace. Motion PASSED by majority voice vote.

ORDINANCES, RESOLUTIONS AND PUDS

Ordinance 16-08 Additional Appropriations (Single Reading)

Clerk Lampton read an Ordinance to approve supplemental appropriations and certify additional revenue for the fiscal year beginning January 1, 2016 and ending December 31, 2016 and to amend Ordinance 15-31 and 16-03.

Mr. Kucera explained this was additional appropriations to adjust the 2016 budget. He reviewed the list of items which included two pass through grants, a grant for the Senior Center van and two items that were not carried over from 2015 that should have.

Council Member Upton asked if these items would be reflected as a check through the Online Checkbook. Mr. Kucera replied it would be reflected as a journal entry.

Vice Mayor Vann MOVED to approve Ordinance 16-08, seconded by Council Member Whilding. Motion PASSED by a roll call vote of 6-0.

Resolution 16-09 DARE Grant

Clerk Lampton read a Resolution authorizing the Police Department to apply for Ohio Attorney General's Drug Use Prevention (D.A.R.E.) Grants Program Funding.

Chief Evers said this is a Resolution that allows the Police Chief to apply for a state grant for monies to be applied to the DARE Officer's salary during the school year. He said the grant is through the Ohio Attorney General's Office. He said if the grant is approved it would cover approximately 50% of the salary for the nine months of school which is approximately \$25,282.00 during the 2016-17 school year. He said the DARE Officer teaches approximately 600 students per year. He said they have been receiving this grant and participating in the DARE Program since 1985.

Council Member Upton how long the City has been receiving the grant. Chief Evers replied they have received the grant every year with the exception of when the grant opportunities were not available.

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Council Member Upton MOVED to approve Resolution 16-09, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

LIQUOR PERMITS

Mall Innkeepers LLC dba Springhill Suites (New)

Chief Evers said the Ohio Division of Liquor Control sent police notification referencing a new D5A liquor permit for Mall Innkeepers LLC DBA Springhill suites, 2263 Fairfield Commons Blvd, Beavercreek, Ohio 45431. The records checks required by the Ohio Department of Commerce – Division of Liquor Control were conducted on the business officers/shareholders for this application request. Staff recommended this application request move forward with no comment.

Council Member Litteral MOVED to accept without comment, seconded by Council Member Wallace. Motion PASSED by majority voice vote.

CITY MANAGER'S REPORT

Chief Evers thanked the mayor and council members for the proclamation recognizing National Public Safety Telecommunicators' Week. He said they are the first contact for people who contact the dispatch center. He said they do an outstanding job.

MAYOR'S REPORT

Mayor Stone said he along with Township Trustee Krietz, Mr. Zaharieff, Township Administrator and Mr. Cornell met for the governance committee that was established. He said they are going to try to meet on a very regular basis. He said he would like to have an alternate at some point in the future.

COUNCIL TIME

Vice Mayor Vann reviewed the employee anniversaries. Congratulations to everyone.

Council Member Wallace said the Wright State Arts Gala was last Saturday evening. She challenged more Greene County Elected Officials to attend those events. She all of the Montgomery County Commissioners were in attendance but she did not see any Greene County Commissioners. She said Primanti Brothers will have their soft opening Tuesday night and opening for business on Wednesday. The MVRPC will have their annual dinner Thursday at the Marriott. She said the Beavercreek Women's League will be holding their Annual Scholarship Luncheon on Saturday, April 16th. All proceeds go towards the Beavercreek Scholarship Fund and Women in Transition in Greene County.

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Council Member Upton attended the luncheon at the Senior Center. He said it is very crowded there with all the activities occurring. He thanked them for the invitation.

Council Member Litteral thanked the Chamber of Commerce for sponsoring the Taste of Greene County at the Nutter Center.

CITIZEN COMMENTS

There being no citizen comments, citizen comments was closed.

EXECUTIVE SESSION


Council Member Whilding MOVED to enter into Executive Session at 7:23 p.m. pursuant to Section 121.22 of the Ohio Revised Code, for the purpose of consideration of conference with city attorney concerning disputes involving the City that are subject to pending or imminent court action, seconded by Council Member Upton . Motion PASSED by a roll call vote of 6-0.

Vice Mayor Vann MOVED to adjourn executive session at 7:40 p.m., seconded by Council Member Litteral . Motion was PASSED by roll call vote of 6-0.

Council Member Upton MOVED to reconvene the meeting, seconded by Council Member Litteral . Motion PASSED by majority voice vote.

ADJOURNMENT

Council Member Wallace MOVED to adjourn the meeting at 7:41 p.m., seconded by Council Member Litteral. Motion PASSED by majority voice vote.



Bob Stone, Mayor

ATTEST:



Dianne Lampton
Clerk of Council
Cmin041116